

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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LB 398

CLERK: (LB) 398, Mr. President, no E & R. Senator Abboud would move to amend the bill. (See AM1230 on page 1325 of the Legislative Journal.)

SPEAKER WITHEM: Senator Abboud.

SENATOR ABOUD: Yes, Mr. President, members. You may recall that this bill was dealing with a rather minor problem dealing with appeals from a district court or a county court decision. Under the current law the filing of the terminating motion, meaning a motion for a new trial, or a motion to set aside the verdict stops the running of the time for the filing of the notice of appeal. The time begins to run again once the court enters an order ruling on one of these two motions. And the problem that occurred was in jurisdictions in areas where the district court judge travels around his circuit, where he may meet with the plaintiff and the defendant, make a decision, but doesn't enter into the order until he gets back to...back to his court that is his home jurisdiction. And what this bill attempted to clarify when that decision was, in fact, made. Now the amendment further clarifies that there was some concern raised by the...by the Supreme Court, the Court Administrator and so...about how this could be interpreted. And so this amendment provides clarification in that on page 3, line 2, it reinstates the stricken matter, and then in line 3 strikes the new matter that was placed in, meaning the language, the time the court announces a decision on the terminating matter. So it would read, "from the ruling on the motion", which seems to make sense to me. So I'd move the amendment. Thank you.

SPEAKER WITHEM: Thank you, Senator Abboud. Senator Abboud, there are no lights on concerning your amendment. Do you have a closing?

SENATOR ABOUD: Waive closing.

SPEAKER WITHEM: Closing is waived. Question is the adoption of the Abboud amendment. All those in favor of AM1230 vote aye, opposed vote nay. Record.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Abboud's amendment.